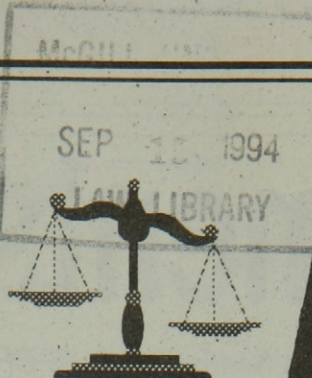


Quid Navi



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September 12, 1994
le 12 septembre, 1994

SINGAPORE CONNECTION - PART I

E. Marian W. Tremblay
BCL III

(on exchange at the National University
of Singapore)

NIHAO? (How are you?)

Hi everyone!

Salut tout le monde!

Welcome back!

Live from Singapore, it's Friday night and I'm sitting in the computer lab at Raffles Residence Hall, where I've spent so many hours the past few months trying to get a life... or at the very least, get familiar with Internet so that I can keep in touch with Canadian life.

U1's are probably experiencing the same kind of anxiety I felt earlier this summer when I started school here at the National University of Singapore (N.U.S.). I was lost and didn't know what to expect of this new law school. I was especially lost because I had adopted a

new identity: I cut my hair! Yes, I had promised authorities at McGill that I would make sure I looked like a "normal" law student before arriving in Singapore. Our faculty is trying to establish a long-lasting and rewarding relationship with N.U.S., and though the temptation was great, I was not going to let my rebellious side spoil a promising future. Thus, like a good Singaporean, I complied.

While you are just beginning your classes, I am in the middle of my study break, because our first term started back in July. I prefer to call it a "study break" rather than a "reading week", because it corresponds much better (in my case anyway) to its true purpose and nature. Vietnam is my destination for the week, while Vincent de Grandpré (also on exchange at N.U.S.) will be heading to Malaysia.

In the coming issues of the *Quid* we will discuss all the countries we have

visited and the life and times of a McGill law student in Singapore. Life is definitely very different in this part of the world: rice twice a day, 30 degrees Celsius and sunny, rice twice a day, coconut trees surrounding the faculty, rice twice a day, no pollution in any way, rice twice a day, rice twice a day...

The topics covered in this column will be diverse because there is a lot to talk about. However, if you are interested in knowing or learning something in particular, feel free to E-mail me in Singapore at "law47068@leonis.nus.sg".

I just wanted to write a quick note to say "hi" to my friends and wish you all the best for the coming school year. I also wanted to let you know there will be a regular "Singapore Connection" column in the *Quid*. You will therefore be able to follow "Les aventures intrépides de Vincent et Marian."

A la prochaine.

USED BOOK SALE: LAW TEXTS, CASEBOOKS, ETC.

Run by the Environmental Law Association of McGill, the ELAM Used Book Sale is taking place again.

Used books are available for inspection and sale at the Used Book Sale table during the periods that the Law Book Store is open. The Used Book Sale is located at the back of the Law Book Store in the basement of 3647 Peel Street.

Sellers may drop off their used books in the secure collection box in the Law Library or at the Used Book Sale table.

ELAM will retain \$3 per textbook sold and \$1 per casebook sold: all profits will be donated to the Law Library for acquisitions. Sale proceeds will be

distributed to sellers and unsold books returned to their owners before the end of September.

Please identify books being dropped-off with the following information written on **each** of two "Post-It" notes placed inside each book's front cover:

TITLE & AUTHOR OF BOOK

PRICE (include \$3 or \$1 ELAM charge)

OWNER'S NAME

OWNER'S TELEPHONE NUMBER

Come and browse, bring your used books for recycling - and, if you have time, stop by to volunteer!

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Announcements / Annonces

MESSAGES FROM THE OFFICE OF UNDERGRADUATE STUDIES

The Office of Undergraduate Studies welcomes you back from summer vacation and wishes you all the very best of luck in your studies this year.

Once the installation of E-mail for student use is complete, announcements and information previously contained in this column will be available to you on the system. **Remember to check your E-mail daily.** Until this sophisticated communications system is functioning, continue to scan this space for information you will need to help survive Law School.

Previous threats to the contrary, we still have papers and essays from last term. You are invited to check the boxes to see if yours is there. Papers and essays unclaimed by Friday 23rd September will be shredded!!

You may notice that first year students have newly designed I.D. cards. If you have an old one, don't worry - your existing card is still good and does not have to be replaced.

This is the first reminder of the year directed to B.C.L.II and LL.B.II students - you have been automatically registered in the four-year National Programme. If you wish to opt out of the National Programme, please complete the green form available from the USO and give it to Isabella.

In case it has slipped your notice, Professor Paul Crépeau is offering two

Research Seminars on the Civil Code of Quebec, one in each term. You will find the course description in your August update memorandum.

The following is a list of capped courses which are closed and for which caps will NOT be lifted. Students who need these courses to graduate and who have not already registered for them are advised to register in the section in which there is space.

Semi-obligatory courses:

Commercial Transactions -
Boodman CLOSED
Stevens OPEN

Electives:

Taxation -
Durnford CLOSED
C. Allard OPEN
Public International Law -
Toope CLOSED
Vlasic OPEN

GRADUATE STUDIES:

Graduating this year? Interested in doing graduate studies in law? If you do wish to do graduate work at another university, please contact Prof. Jeremy Webber at 398-8947. If you are graduating this year, you should contact Prof. Webber as soon as possible because some of the application deadlines are very early (the first is on September 21) and the applications take time to put together. Prof. Webber has considerable information on scholarships for study abroad, and would be happy to advise you

on potential destinations and sources of funds.

MESSAGES FROM ASSOCIATE DEAN ALISON HARVISON YOUNG

Congratulations from the Faculty go out to Dimitri Maniatis, LLB IV, who has won the second place prize in the Dr. William Hanley Legal Essay Contest for his essay which was entitled "Towards a Global Criminal Law Jurisdiction: A Critical Analysis." This competition is sponsored by the Lawyers for Social Responsibility Organization, which is a national organization. Posters advertising the coming year's competitions are posted on the bulletin board near the tutorial board as we receive them.

There are a number of essay competitions out there and McGill students have tended to do very well. A winning essay is often "fast-tracked" for publication in some journals. Make a habit of browsing through the posters on the board, and feel free to drop by my office if you would like more information or advice.

On another note, we are welcoming a number of exchange students into the Faculty this term from France, the Netherlands, Sweden, and Australia. I have met a number of them who have arrived so far and I am sure they will add yet more life to the Faculty. Please remember, as I am sure you will, to make special efforts to welcome them and make them feel at home.

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EDITORIAL: The Law of Nature

Question: How serious is the overpopulation problem?

In 1798, a British clergyman by the name of Thomas Robert Malthus wrote a treatise entitled *An Essay on the Principle of Population*¹ in which he held that humanity's power to produce population is greater than its power to produce subsistence, such that Utopia on Earth (read food for all and no war, disease, melancholy and resentment) is impossible.

In 1968, Stanford University population biologists Paul and Anne Ehrlich wrote a book entitled *The Population Bomb*² which began a 22 year global experiment that attempted to warn the world of impending mass starvation and the need for immediate population control. In 1990, a second book by the same authors, entitled *The Population Explosion* explained how, since 1968, over 200 million people, mostly children, had "perished needlessly of hunger and hunger-related diseases, despite crash programs to 'stretch' the carrying capacity of Earth by increasing food production."³ Their hypotheses were, sadly, proven correct.

Some have labelled Malthus and the Ehrlichs' as doomsayers whose statements, despite their having been played out before our eyes, seem overly reactionary. This is not surprising given humanity's tendency not to learn from past mistakes. Generally, if there is to be large scale societal change, then people must be directly affected by the problem at a personal level. Whether sceptics choose to believe Malthus and the Ehrlichs' or not, the fact is, the world is getting smaller. There is less topsoil, less drinking water, less food, less stability and

more and more and more people.

At the time of this writing, the United Nations International Conference on Population and Development is taking place in Cairo, Egypt. While 90% of the 113-page draft program of action was agreed to over the past three years, the most controversial issues have been left to this conference. And, while consensus seems to exist that the key to effective population control is improvement of the status of women, there is heated conflict over whether, and if so, how, the use of abortion and contraception will be incorporated into the agreement.

These are issues which touch deeply ingrained religious and cultural chords (as the Vatican and certain Islamic countries have made very clear). History and tradition will not suddenly change during a one-week conference, even if most of the world is calling for the simple (or so it may seem) recognition of the basic reproductive rights of one-half of humanity - women. As shown by the Ehrlichs', Mother Nature will likely be forced to intervene with the simplest and most devastatingly obvious of arguments - the Earth, given the current patterns of population and resource distribution, cannot physically support more people without mass death. Without lower birth rates, Mother Nature will argue pure human death, and she will win.

Through rapid industrialization and resource mismanagement (primarily by developed countries), we have depleted most of our renewable resources and are currently destroying our capital. Low birth rates are just as necessary in developed as in developing countries for it is the developed countries' high standard of living that is speeding up the

whole cycle of destruction and making the poor poorer.⁴

To slow down the destruction, the birth rate must be lowered. To lower the birth rate, there must be increased birth control. To increase birth control, abortion and contraception must be accepted as realities of life. To prevent abortion being used as a method of birth control there must be increased access to safe, effective contraception. To increase the access to contraception, women's rights must be recognized. To recognize women's rights, attitudes must change. Changing attitudes may require the not-so-subtle force of Mother Nature's personal argument. It is all very harsh and cyclic and necessary.

Answer: More serious than most of us would care to imagine.

Jay Sinha

¹ T.A. Malthus, *An Essay on the Principle of Population, as it Affects the Future Improvement of Society. With Remarks on the Speculations of Mr. Goodwin, M. Condorcet, and Other Writers.* (London: J. Johnson, in St. Paul's Church-Yard, 1798).

² P.R. Ehrlich, *The Population Bomb* (New York: Ballantine Books Inc., 1968).

³ P.R. Ehrlich & A.H. Ehrlich, *The Population Explosion* (New York: Simon & Schuster Inc., 1990) at 9.

⁴ See P.A. Ehrlich & A.H. Ehrlich, "Too Many Rich Folks" (1989) 16 Populi 3 at 25, where the authors explain how "a baby born in the United States represents twice the disaster for Earth as one born in Sweden or the USSR, three times one born in Italy, 13 times one born in Brazil, 35 times one in India, 140 times one in Bangladesh or Kenya and 280 times one in Chad, Rwanda, Haiti, or Nepal."

VEUILLEZ BIEN NOTER! LA DATE LIMITE POUR LES SOUMISSIONS AUX FINS DE PUBLICATION DANS L'ÉDITION D'UNE SEMAINE DONNÉE EST LE LUNDI DE LA SEMAINE PRÉCÉDENTE, à 17h00. AUCUNE EXCEPTION NE SERA FAITE A CETTE REGLE!!!!

Les soumissions peuvent être effectuées par courrier électronique (<<quid@lsa.lan.mcgill.ca>> ou, tout simplement <<quid>> si vous êtes branchés au réseau de la Faculté de droit), ou au moyen de disquettes ou transcriptions dactylographiées ou écrites à la main. Les disquettes MacIntosh peuvent être converties au format IBM à la salle des ordinateurs.

ATTENTION! THE DEADLINE FOR SUBMISSIONS FOR PUBLICATION IN A CERTAIN WEEK IS THE MONDAY OF THE PRECEDING WEEK, AT 17:00. NO EXCEPTIONS WHATSOEVER!!!

Submissions may be made by E-mail ("quid@lsa.lan.mcgill.ca" or just "quid" if you are on the Law Faculty network), disk, typed or handwritten copy. MacIntosh disks can be translated to IBM format at the computer lab.

JODYTALK

I spent my summer working for the McGill Legal Information Clinic. I gave people my interpretation of the law and suggestions, but I did not give them legal opinions or advice. Seems kind of nit-picky huh? (like whether you cite something out of the Supreme Court Reporter or the Dominion Law Reports). What exactly is the difference between your interpretation of the law and an opinion? Likewise, what's the difference between a suggestion and advice? The difference is that the former everyone has and is entitled to voice whenever they feel like, and the latter is the exclusive domain of a member of the Quebec Bar.

At the Legal Info Clinic we only deal with the former. The Bar Act expressly forbids anyone except lawyers from giving advice and filling out motions to be filed in court. What this is supposed to do is ensure that any lawyer certified by the Bar should at the very least be competent to be your advocate. Additionally, it should ensure that the courts function smoothly as they are populated by experts on the legal system. This should be the theoretical result of the Bar Act.

What effect does the Bar Act really have? In my opinion (although technically this is an opinion about the law, it is not one that can be attacked by the Bar Act so I will express it), it has the effect of denying justice to everyone except the wealthy. Wait a minute you say. What about Legal Aid? You say that Legal Aid in Quebec serves the most people out of any province and they do it for less money than other provinces. That may be so, but I get a slightly different view at the Clinic. People who receive Legal Aid often get lawyers that are overworked and underpaid. As a result, the lawyers often give these people the minimum amount of service that they can get away with, do not explain to them what they are doing, and leave their clients bewildered and angry about their experience with the legal system.

On the other hand, 95% of the people that come to the Clinic do not qualify for Legal Aid. They earn more than the \$170/week gross income that the law allows you to earn in order to qualify

for Legal Aid. This is an absurdly small amount, which guarantees that anyone who is a working, taxpaying, contributing member of society will be faced with lawyer fees of upwards of \$150/hour. More than one client has come into the Clinic and said that they had to let their lawyer go in mid suit because they could no longer afford to pay her. Generally, what happens at that point is that they handle their suit themselves. We're only too happy to provide them with information about their rights and suggestions about how to get those rights enforced. However, since we can neither fill out the paperwork they must file with the court, nor can we represent them in court, our help falls far short of what these people need. The end result is that these people end up clogging the legal system, and often lose their cases not because their suit is without merit, but because their opponent is a trained lawyer who knows how to manipulate the system.

The Bar Act has failed at both of its objectives: to provide a minimum standard of service and to ensure that the courts function efficiently. What then would be the solution to this problem? The problem is systemic and can't be solved unless the system is radically altered. Furthermore, even after a full semester of Foundations of Canadian Law I still don't know what system would be better. However, there are a couple of things that I have thought of that might improve the present situation slightly.

Mandatory pro bono work. The pool of applicants for the Legal Aid system is ever growing, and the competent attorneys to serve them is ever shrinking. Every lawyer should have to take a couple of Legal Aid files. This may not solve the problem of lawyers treating Legal Aid cases as quickly as possible (so they can get back to their paid files). On the other hand, it may reduce the number of Legal Aid cases that every lawyer has to take to the point where he could afford to treat a Legal Aid case as comprehensively as if it were a paying client's case.

The other suggestion involves the work of law students. In other provinces

students are allowed to give people legal advice, fill out court papers, and even represent people in court. I have been told that, because their caseloads are significantly smaller and out of fear of letting their client down, these students are sometimes better prepared than their professional counterparts. All of the students' work is closely scrutinized (though probably not as closely as a second year factum) by a supervising attorney. If Quebec were to allow some kind of student representation, the Bar should require that students participate in legal clinics as part of their law school curriculum. This would serve to give them some practical experience in what has been described as the most out-of-touch professional school. Requiring that all law students participate in some kind of legal clinic experience, just as their professional counterparts should be required to do pro-bono work, would have ramifications outside the profession. It might just help change the image of lawyers as nothing but self-interested billing machines, and make them look almost human.

We are not at the point where clinic work is required of law students. However, there is ample opportunity to do clinic work if you want to. Students who have completed four semesters of law school can volunteer and get credit for any one of several legal clinics around the City of Montreal. Just attend a legal clinic course meeting to find out the details. Students who have completed two semesters of law school can volunteer at the McGill Legal Information Clinic. No academic credit is given, but the Clinic asks only for a two-hour-a-week commitment. Forms are available at U.S.O., and there is an orientation on Sunday, September 18th, room 101, New Chancellor Day Hall, at 1 PM.

Jody Berkes is a third year law student who suggests, but does not advise, that all students attend Coffee House and volunteer at the Legal Information Clinic. His column appears weekly in the Quid Novi.

Food for Thought: Have your cake and eat it too

Laurence Detière
BCL II

logic. The following recipe has only 107 calories per serving (depends on the size and number of servings however!), 3 g of fat, 1 mg cholesterol, 13 mg calcium (more if you take a glass of milk too, I mean moo), 3 g protein, 69 mg potassium.

You need 3 oz unsweetened chocolate, 1 cup granulated sugar, 3/4 cup flour, 3 egg whites, 1 teaspoon vanilla extract (although not strictly necessary), 3/4 cup 2% cottage cheese and a pinch of salt. A piece of advice,

use a little more chocolate and 1 cup of cottage cheese (vs. 3/4), it doesn't change the nutritional value that much! You can also add some nuts but throw away the nutritional info. Preheat oven at 350°F. Melt chocolate (low heat or microwave) and cool slightly. Mix all ingredients except chocolate (preferably in food processor) until smooth. Add melted chocolate, blend well. Pour into lightly buttered pan and bake 20-25 minutes. This makes 16 squares.

The Right Foundation

Adam Atlas
BCL II

Foundations.

There is introduction in this course to thinking that what we are doing is right.

This is the saddest moment in the training of a citizen.

The training which tells him how the hang man is chosen and why she too can be the hang man.

Oh, for the innocence which reigns before this point.

Oh, that this would not happen.

Oh, that I would not say that I thought this needed to happen.

This is rude, antisocial, criminal and inhuman.

Oh, that we were conscious of what we are thinking.

Oh, that we knew the harm which spews from beyond this step.

Why do you think these chairs are black?

It is a set. A set on which we are being trained to act, to perform and play our parts as actors, as not people, but administrators.

Like actors who play the part that is not them, so are we asked to be divided.

Lover and hangman.

There is only one alternative.

ISAK DINESEN Exhibit at McLennan Library

The exhibition, *Karen Blixen alias Isak Dinesen*, depicts the life and work of the famous Danish authoress of *Out of Africa*, *Seven Tales* and *Babette's Feast*. On display in the lobby of the McLennan Library, it consists of unique photographs and illuminating text, lent to McGill University by the Government of Denmark, and it is seen here for the first time in Canada.

Karen Blixen, née Dinesen (1885-1962), used Isak Dinesen as one of several "noms de plume" (*Isak* means "laughter" according to her) and considered herself a "narrator" or "storyteller" rather than an "authoress", a term she did not like. Born in Denmark from a noble family (she liked to be addressed as "Baroness"), she has indeed fascinated, if not spellbound, readers around the world with her fantastic tales. Gothic delight in the supernatural, insanity and the dangerous powers of nature are evident in most of her stories which are usually set in the past, even centuries ago.

In 1934, *Seven Gothic Tales* was Isak Dinesen's literary debut in English while the Danish version only appeared a year later, in 1935. Dinesen is one of those rare figures in world literature who is able to write masterfully in a language other than her mother tongue. This is an exotic collection of tales, combining English Gothic with the narrative irony of her native countryman, Søren Kierkegaard, and the German Romantics, together with, quirks of fate peppered with jokes.

Out of Africa, published in 1937, is the book for which most people know her today, thanks to the very popular movie of the same title. The movie focuses less on the content of the book than on the myth that Dinesen created about herself. The book is a stylized account of her life on a coffee farm in Kenya from 1914 to 1932. Starting out with the now famous words "I had a farm in Africa," it is a novel that describes a gradual *fall from paradise*. The narrative thread that holds the text together is Dinesen's lyrical, affectionate and highly personal description of Africa, its people and its wild animals.

Babette's Feast is another of Dinesen's books that became very popular through its film version. It is a witty and charming story involving highly religious, plain, country people in Denmark and their humorous encounter with the sophistication of a Parisian master chef and an elegant Swedish general. This is yet another example of

Isak Dinesen's mastery as a storyteller, combined with an existential philosophy of life and fate, in fact with her own philosophy.

For decades Isak Dinesen has fascinated and intrigued her readers in Denmark, North America and, now, all over the world. She has recently become the subject of intense study by feminist scholars. She loved to describe herself as a witch who had sold her soul to the devil in exchange for the ability to spin a web of life into her tales, claiming that she was three thousand years old and had dined with Socrates. Even her life story has proven to be a compelling and, indeed, a lasting one.

For further information about the *Blixen alias Dinesen* exhibition at McGill University Library, please call Dr. Hans Möller, Research and Development Librarian, at 398-4740. Special tours of the exhibit can be arranged.

Other exhibitions taking place this year in the McLennan Library lobby include: *The Rescue of the Danish Jews from Annihilation - October 1943* (courtesy of the Royal

Danish Ministry of Foreign Affairs and the Museum of Danish Resistance 1940-45), October 1 to November 15, 1994; *Principals of McGill*, October 1 to November 15, 1994; *Landmarks in the History of the Czech State*, November 10-17, 1994; *Special Acquisitions* (funded by the Friends of the Library), November 23 to December 23, 1994; *Image and Meaning (Iconography at McGill)* March 1995; *Images of Italy*, April 1995.

Dr. Hans Möller
Research and Development Librarian

